Everything STEM Researchers In The National Security Innovation Base Need To Know About The O-1A Visa Category

As part of US efforts to attract and retain international STEM talent, USCIS (US Citizenship and Immigration Services, a component of the Department of Homeland Security) expanded its public facing guidance in 2022 and 2025 about the O-1A visa category, to provide examples and details. The new guidance makes the O-1A process more transparent for highly-educated and accomplished experts, especially when considering the Supporting Documentation section in the policy manual guidance, that reviews and provides examples for each of the criterion for O-1A eligibility.

This guide is intended to explain when researchers across the national security innovation base can qualify for the O-1A extraordinary ability visa category. The guide starts out by talking about how international STEM PhDs completing degrees and post-doctoral fellowships in the United States, and their US mentors, can actively take steps to lay the groundwork for O-1A eligibility. The guide also lays out resource information on what the O-1A category is, the eligibility criteria, examples of achievements that would qualify, and examples of what has been submitted for successful O-1A petitions on behalf of STEM PhD holders. The guide ends by republishing the explanatory O-1A Supporting Documentation instructions provided by USCIS.

Table of Contents

- Why should I apply for O-1A classification?
- What is the O-1A?
- How can I improve my eligibility for the O-1A while I am a PhD candidate, on STEM OPT, or completing a STEM postdoc?
- As a Principal Investigator (PI) or mentor, how can I assist in strengthening my junior researchers' O-1A petitions?
- How do I qualify for the O-1A?
- How can I build a strong portfolio of supporting evidence for an O-1A petition?
- Examples of materials submitted for a successful O-1A petition
- What additional documentation do I need to submit?
- USCIS on Supporting Documents: Satisfying the O-1A Evidentiary Requirements

Why should I apply for the O-1A classification?

- If you can tell the story about your accomplishments in your specific, narrow area of endeavor, then you may be able to show you are best considered at the top of your field.
- If approved, you can stay for three years, and then apply for unlimited renewals usually in three year increments. Through 2024, the national approval rate is about 90%.
- No part of the process is based on a lottery.
- You can apply at any time of year.
- You can engage in multiple streams of work in the US by having multiple employers file petitions on your behalf, including an entity you own, if you are a founder.
- You do not need a Nobel Prize to successfully apply.

Click to return to the table of contents

What is the O-1A?

The O-1A visa category is a pathway for high-achieving individuals looking to continue their work or research in the United States with an employer sponsor. Unlike the H-1B visa category, there is no limit to how many O-1s can be awarded each year and there is no lottery to choose the applicants. A successful O-1A petition takes planning but accomplished researchers in critical and emerging industries can qualify. It is recommended that individuals curate evidence of their accomplishments while earning their PhD or engaging in early career work tied to their area of PhD research, because the adjudicators of the O-1A petitions at USCIS require specificity and detail around documentation of achievement in the expert's field. The spouse and children under the age of 21 may accompany the O-1A individual to the United States. While family members holding O-3 dependent family status are not permitted to work under current rules, they can study full-time or part-time.
Click to return to the table of contents

How can I improve my eligibility for the O-1A while I am a PhD candidate, on STEM OPT, or completing a postdoc?

If you are interested in considering whether to pursue an O-1A after your studies (STEM PhD defense), practical training (STEM Optional Practical Training), or fellowship (STEM postdoctoral fellowship or medical fellowship) are completed, you can get a head start in compiling evidence of and curating your achievements. Think ahead to positioning your legal counsel to be able to tell the story about your accomplishments in a particularized area of endeavor.

The following list contains ways that you can improve your eligibility for the O-1A visa.

1. Writing and publishing academic papers, and participating in peer-review of publications
2. Working in a research lab developing emerging technologies
3. Documentation of original contributions to and a critical role in distinguished organizations, such as those relied upon for important defense-related basic research
4. Seeking opportunities to present your research at leading conferences
5. Applying for awards and grants
6. Obtaining letters of recommendation from colleagues
7. Innovating in ways that can be commercialized, because evidence of commercialization of your research or work is considered
8. Contributing to software or data repositories that have significant scientific, scholarly, or commercial impact in the field
9. Obtaining statements of fact from US government agencies about the significance of your work in relation to an agency's funding interests and mission
10. Participating in a key role in federal government-funded research efforts

Click to return to the table of contents

As a Principal Investigator (PI) or mentor, how can I assist in strengthening my junior researchers' O-1A petitions?

Mentors, PIs, and senior researchers can play an important role in the success of a junior researcher's O-1A petition. The following list includes examples of what a mentoring researcher can do to strengthen their junior researchers' supporting evidence.

1. Educate more junior members to prepare and record, and even choose, their experiences and credentials with details and specificity that show, explain, or reveal relevance to the field (tell a story, do not just check a box)
2. Show more senior colleagues how to mentor more junior scientists for success in the immigration system
3. Name junior researchers on grant applications
4. Include names of junior researchers in press releases and media outreach, when appropriate
5. Provide more training on how young researchers can share their work in popular media or social media
6. Ensure that junior researchers are conducting peer review for conferences, journals, or grants in their own name (or at least jointly with their PI), rather than the name of the PI or the lab
7. Add contextual evidence in correspondence or materials about a junior researcher's achievements, such as the impact factor of the publication, the significance of a particular conference of symposium within the field, or the exclusivity of an award competition
8. Provide insight or data as to how your department or program is distinguished, because USCIS considers if an early career researcher is actively contributing and playing a key role in a distinguished organization, including for a high-performing team
9. Work with your US government collaborative research partners to determine if it's appropriate for the federal agency involved to confirm any of the following in a letter or other documentation, as USCIS has created a role for interested government agencies in O-1A adjudications to:
    - Show the agency funds the individual or funds work in which the individual plays an essential role, and/or
    - Explain the significance of the individual's work in relation to the agency's funding interests or mission, and/or
    - Attest to the individual's accomplishments as being at the very top of their field.

Click to return to the table of contents

How do I qualify for the O-1A?

To qualify for an O-1A classification, you must have an employer or agent submit a petition on your behalf, and that petition must demonstrate that you are at the top of the specific field in which you intend to continue working in the United States. While you may not readily self-identify as someone with acclaim in your field, USCIS has defined the two required steps in O-1A adjudications to demonstrate your qualifying extraordinary ability in your field:

1. Providing sufficient evidence for three of the eight ***evidentiary criteria***
2. Satisfying a ***totality of the circumstances*** review

To satisfy the ***evidentiary requirements***, you must act as a storyteller for the USCIS adjudicator, explaining evidence of achievements satisfying at least three out of eight of the following criteria. Please note the further details on each criterion below in this guide, in the section on building a strong portfolio and the section sharing the USCIS O-1A Supporting Documentation directory.

1. Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor
2. Membership in associations in the field of endeavor which require outstanding achievements of their members, as judged by experts in the field
3. Published materials about the individual in professional or major trade publications, or appearances or publications in other major media
4. Participation, either individually or as part of a panel, as a judge of the work of others in the field
5. Original scientific or scholarly contributions of major significance in the field
6. Authorship of scholarly articles in the field of endeavor, as published in professional or major trade publications or in other major media
7. Serving in a critical or essential capacity for organizations or establishments that have a distinguished reputation
8. Commanding a high salary or other significantly high remuneration for services, as compared to others in the field of endeavor

If your achievements are not readily applicable to the above criteria, you can submit comparable evidence to establish your eligibility for the O-1A. For the USCIS adjudicators to accept comparable evidence, you must explain why a particular criterion is not readily applicable to your occupation and submit evidence that is comparable to that criterion. For example, if you do not publish scholarly articles as part of your work, you can submit a comparable achievement, such as presenting your work at a major conference or symposium.

After satisfying at least three of the eight criteria above, the petition is evaluated for the ***totality of the evidence*** provided to determine whether you have extraordinary ability such that you are properly considered at the top of your field of endeavor. This step permits the evaluation of evidence that does not fit one of the above criteria nor was presented as comparable evidence, and again creates an opportunity for the storytelling aspect of the O-1A petition to show the USCIS adjudicator that you are best considered a top, already accomplished talent in your field. For example, if a US government agency can confirm significance of an individual's work in relation to the agency's funding interests or mission, that letter or documentation can be given weight during the totality evaluation.

Click to return to the table of contents

How can I build a strong portfolio of supporting evidence for an O-1A petition?

This section will go through each of the eight criteria to provide examples of what types of submitted evidence would help satisfy them.

1. Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor
    a. Awards from well-known national institutions or professional associations
    b. Doctoral dissertation awards or PhD scholarships, especially if from a top institution
    c. Awards recognizing presentations at nationally or internationally recognized conferences
    d. Receipt of US government grants, stipends, or grant funding from private community foundations, philanthropic, or family funds
    e. Awards from a national or international startup pitch competition or hackathon

2. Membership in associations in the field of endeavor which require outstanding achievements of their members, as judged by experts in the field
    a. Merit-based fellowships
    b. Unsolicited invitations to join group or association that demands outstanding achievements in field as judged by experts
    c. Fellow-level membership in an organization in your field
    d. Invitation to join scientific committees or entrepreneurship clubs
    e. Acceptance into accelerators or incubators
    f. Invitations to be advisor or mentor to a startup or at an accelerator or incubator

3. Published materials about you in professional or major trade publications, or appearances or publications in other major media. If the published materials are about your *work* and the team you are on that is pursuing the work, such publications can satisfy this criterion if accompanied by other evidence of the critical role you play on the team.
    a. Professional or major print publications, including newspaper articles, popular and academic journal articles, books, textbooks, or similar, about you and your work
    b. Transcript of professional or major audio or video coverage of you and your work
    c. Presentations of your research at prominent national or international conferences, such as annual symposia of notable organizations in your field

    Note: Hometown newsletters and student-run publications do not satisfy this criterion. Podcasts and blog posts also do not generally qualify unless they go viral or you can prove large circulation among professionals in your field.

4. Participation, either individually or as part of a panel, as a judge of the work of others in the same or an allied field

a. Reviewer of abstracts or papers submitted for presentation at scholarly conferences or for publication in scholarly journals
b. Member of doctoral dissertation committee
c. Peer reviewer for government research funding programs
d. Judge at events such as:
    i. Hackathons
    ii. Pitch competitions
    iii. Tech awards

5. Original scientific or scholarly contributions of major significance in the field
    a. Published materials about the significance of your original work
    b. Testimonials, letters, and affidavits about your original work
    c. Documentation that your original work was cited at a level indicated of major significance in the field
    d. Patents or licenses deriving from your work or evidence of commercial use of your work
    e. Widespread commentary or media attention
    f. Publications received significant number of citations
    g. Ownership of patents for novel technologies that achieve utilization in the field

6. Authorship of scholarly articles in the field of endeavor, as published in professional or major trade publications or in other major media
    a. Publications in professionally-relevant journals
    b. Published conference presentations at nationally or internationally recognized conferences or trade shows

7. Serving in a critical or essential capacity for organizations or establishments that have a distinguished reputation
    a. Senior faculty or senior research position for a distinguished academic department or program
    b. Research position with key responsibilities for a distinguished non-academic institution or company, or a distinguished division of an institution or company, as explained in detail by the director or a principal investigator of the relevant organization or division
    c. Principal or named investigator for a department, institution, or business that received a merit-based government grant
    d. Member of a key committee within a distinguished organization
    e. Founder or co-founder of, or contributor of intellectual property to, a startup business that has a distinguished reputation
    f. Critical or essential supporting role for a distinguished organization

8. Commanding a high salary or other significantly high remuneration for services, as compared to others in your field
    a. Tax returns, pay statements, or other evidence of past salary or remuneration for services

b. Contracts, job offer letters, or other evidence of prospective salary or remuneration for services
c. Comparative wages or remuneration data for your field, such as geographical or position-appropriation compensation surveys
d. Equity in a startup company

Note: It is recommended that the salary be above the 90th percentile of comparable wage data for your location. Stock options and profit-sharing incentives do not satisfy this criterion. Bonuses may be considered if they are included in the total wages section of your tax documents.

Click to return to the table of contents

Examples of materials submitted for a successful O-1A petition

Below is a real-world example of the materials submitted for a successful O-1A petition, for an international student who earned a STEM PhD in the US and filed for O-1A while on her STEM Optional Practical Training.

Note: Submitting similar materials can significantly strengthen an O-1A petition, but it does not *guarantee* approval for an O-1A. Each O-1A petition is considered on an individual basis and depends on many factors, such as the level of detail, quantity of evidence provided, and how easy it is to define the field of activity and your accomplishments in the specified field.

1. Full academic CV
2. Recommendation letters from:
    a. Sponsoring employer's manager of the individual, explaining her future job responsibilities if approved for the O-1A and how she is the right fit for job
    b. Both PhD advisors
    c. Industry researcher mentor during internship and coauthor with her on two papers
    d. Industry/academic researcher who was a member of her dissertation committee
    e. Professor who was a member of her dissertation committee
    f. Five independent evaluators that cited her work at least three times and built on it

    Note: Having recommendations from people with different institutional affiliations help show that your work is viewed widely and positively. It is even better if some recommendation letters are from experts who live outside the United States.

3. Multiple media articles (some about her, some quoting her, others about her research)
4. All awards and scholarships she received, including announcements

    Note: If the announcement did not mention the number of people who applied or were considered, then it is recommended to ask the organization for a letter laying out how exclusive the award was. This is especially important for awards from outside the US

5. Invitations to talks from well-respected institutions both inside and outside of the United States
6. All papers she published, along with background and selection rates of the journals
7. All invitations to conduct peer review and other invitations to judge others' work in her field or allied fields
8. Her dissertation
9. Her Google Scholar profile

Below is a real-world example of the materials submitted for a successful O-1A petition, for an MD-PhD who already had an approved immigrant visa petition for EB-1A classification and who was in J-1 status and subject to the 2-year home residency requirement.

Note: This more minimalist approach may be appropriate when the individual either already has an EB-1A approval or has received a one-time award that is well-understood to be of national significance. Remember that each O-1A petition is considered on an individual basis and depends on many factors, such as the level of detail, quantity of evidence provided, and how easy it is to define the field of activity and your accomplishments in the specified field.

1. Petitioner information, including employer letter in support of the O-1A petition
2. Letters of support from experts in the field, originally filed with the individual's EB1A petition
3. EB-1A notice of approval from USCIS
4. The individual's published articles, with relevant citation and publication information
5. Selected review articles and independent research that cite the individual's work
6. Confirmation that the individual is on the editorial boards of the Journal of Clinical Pediatric Surgery and the World Journal of Pediatric Surgery

Click to return to the table of contents

What additional documentation do I need to submit?

The following documentation should always be submitted for a STEM researcher (beyond the required USCIS forms and filing fees, and documentation of US immigration history):

1. Resume with all progressively responsible professional jobs you have ever held as a scientist, technologist, or engineer, if not listed on your academic CV
2. Any licenses or other authorizations to practice your profession in the state of intended employment, if applicable
3. Copies of degrees, diplomas, university records with academic transcripts, and translations of those documents, where applicable
4. Academic credential evaluation, if your highest degree was completed outside the United States

Note: If you will be working on potentially sensitive or export controlled technology while on an O-1A, your employer must seek any applicable export-control authorizations from the Department of State and/or Department of Commerce.

Click to return to the table of contents

USCIS Supporting Evidence: Satisfying the O-1A Evidentiary Requirements

For reference: Current as of January 8, 2025
While the Supporting Evidence section may be updated from time to time by USCIS, it is attached here as a reference to communicate how the US Government explains O-1A eligibility examples. These USCIS-provided relevant considerations show that when accomplished yet early career STEM researchers are contributing to innovation key to defense priorities they may be the type of experts that can qualify for O-1A classification.

2. Supporting Documentation

The supporting documentation for an O-1A petition must include evidence that the beneficiary has received a major internationally recognized award (such as the Nobel Prize)[20] or satisfies at least three[21] of the following evidentiary criteria:

Criterion 1: Documentation of the beneficiary's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.[22]

First, USCIS determines whether the person was the recipient of prizes or awards in the field of endeavor.[23] A person may rely on a team award, provided the person is one of the recipients of the award.[24]

Second, USCIS determines whether the award is a lesser nationally or internationally recognized prize or award which the beneficiary received for excellence in the field of endeavor. This criterion does not require an award or prize to have the same level of recognition and prestige associated with the Nobel Prize or another award that would qualify as a one-time achievement, nor does it require an award or prize to be received at an advanced stage of the beneficiary's career.

Examples of relevant evidence may include, but are not limited to:

- Awards from well-known national institutions and well-known professional associations;
- Certain doctoral dissertation awards and scholarships; and
- Certain awards recognizing presentations at nationally or internationally recognized conferences.

Considerations:

Relevant considerations include, but are not limited to:

- The criteria used to grant the awards or prizes;
- The national or international significance of the awards or prizes in the field;
- The number of awardees or prize recipients; and
- Limitations on eligible competitors.

While many scholastic awards do not demonstrate the requisite level of recognition, there may be some that are nationally or internationally recognized as awards for excellence such that they may satisfy the requirements of this criterion.

For example, an award available only to persons within a single locality, employer, or school may have little national or international recognition, while an award open to members of a well-known national institution (including an R1 or R2 doctoral university) [25] or professional organization may be nationally recognized.

Criterion 2: Documentation of the beneficiary's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.[26]

USCIS determines if the association for which the person claims present or past membership requires that members have outstanding achievements in the field as judged by recognized experts in that field.

Examples of relevant evidence may include, but are not limited to:

- Membership in certain professional associations; and
- Fellowships with certain organizations or institutions.

Considerations:

The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts.

Associations may have multiple levels of membership. The petitioner must show that in order to obtain the level of membership afforded to the beneficiary, the beneficiary was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought.

As a possible example, membership in the Institute of Electrical and Electronics Engineers (IEEE) at the IEEE fellow level requires, in part, that a nominee have "accomplishments that have contributed importantly to the advancement or application of engineering, science and technology, bringing the realization of significant value to society," and nominations are judged by an IEEE council of experts and a committee of current IEEE fellows.[27] As another possible example, membership as a fellow in the Association for the Advancement of Artificial Intelligence (AAAI) is based on recognition of a nominee's "significant, sustained contributions" to the field of artificial intelligence, and is judged by a panel of current AAAI fellows.[28]

Relevant factors that may lead an officer to a conclusion that the person's membership in one or more associations was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based:

- Solely on a level of education or years of experience in a particular field;
- On the payment of a fee or by subscribing to an association's publications; or
- On a requirement, compulsory or otherwise, for employment in certain occupations, such as union membership.

Criterion 3: Published material in professional or major trade publications or major media about the beneficiary, relating to the beneficiary's work in the field for which classification is sought. This evidence must include the title, date, and author of such published material and any necessary translation.[29]

First, USCIS determines whether the published material was related to the person and the person's specific work in the field for which classification is sought.

Examples of relevant evidence may include, but are not limited to:

- Professional or major print publications (newspaper articles, popular and academic journal articles, books, textbooks, or similar publications) regarding the beneficiary and the beneficiary's work;
- Professional or major online publications regarding the beneficiary and the beneficiary's work; and
- Transcript of professional or major audio or video coverage of the beneficiary and the beneficiary's work.

Considerations:

Published material that includes only a brief citation or passing reference to the beneficiary's work is not "about" the beneficiary, relating to the beneficiary's work in the field, as required under this criterion. However, the beneficiary and the beneficiary's work need not be the only subject of the material; published material that covers a broader topic but includes a substantial discussion of the beneficiary's work in the field and mentions the beneficiary in connection to the work may be considered material "about" the beneficiary relating to their work.

Moreover, officers may consider material that focuses solely or primarily on work or research being undertaken by the beneficiary or by a team of which the beneficiary is a member, provided that the material mentions the beneficiary in connection with the work, or other evidence in the record documents the beneficiary's significant role in the work or research.

Second, USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication.

In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).

Criterion 4: Evidence of the beneficiary's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization for which classification is sought.[30]

USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specialization.

Examples of relevant evidence may include, but are not limited to:

- Reviewer of abstracts or papers submitted for presentation at scholarly conferences in the respective field;
- Peer reviewer for scholarly publications;
- Member of doctoral dissertation committees; and
- Peer reviewer for government research funding programs.

Considerations:

The petitioner must show that the beneficiary has not only been invited to judge the work of others, but also that the beneficiary actually participated in the judging of the work of others in the same or allied field of specialization.

For example, a petitioner might document a beneficiary's peer review work by submitting a copy of a request from a journal to the beneficiary to do the review, accompanied by evidence confirming that the beneficiary actually completed the review.

Criterion 5: Evidence of the beneficiary's original scientific, scholarly, or business-related contributions of major significance in the field.[31]

First, USCIS determines whether the person has made original contributions in the field.

Second, USCIS determines whether the original contributions are of major significance to the field.

Examples of relevant evidence may include, but are not limited to:

- Published materials about the significance of the beneficiary's original work;
- Testimonials, letters, and affidavits about the beneficiary's original work and its significance in the field;
- Documentation that the beneficiary's original work was cited at a level indicative of major significance in the field;
- Documentation that the beneficiary's original work was published in a scholarly journal of distinguished reputation in the field;
- Patents or licenses deriving from the beneficiary's work;
- Evidence of commercial use of the beneficiary's work, such as commercialization of a research innovation;
- Contributions to repositories of software, data, designs, protocols, or other technical resources with evidence of significant scientific, scholarly, or business-related impact in the field; and
- A letter or other documentation from an interested government agency, including a quasi-governmental entity, that explains in detail the significance of the individual's original work to the field, especially as related to the funding interests and mission of the agency or entity.

Considerations:

Analysis under this criterion focuses on whether the beneficiary's original work constitutes major, significant contributions to the field.

Evidence that the beneficiary's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field. However, published research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to other works in that field, may be probative of the significance of the beneficiary's contributions to the field of endeavor.

Similarly, evidence that the beneficiary developed a patented technology that has attracted significant attention or commercialization may establish the significance of the beneficiary's original contribution to the field. If a patent remains pending, USCIS will likely require additional supporting evidence to document the originality of the beneficiary's contribution.

Detailed letters from experts in the field explaining the nature and significance of the beneficiary's contribution(s) may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.

Submitted letters should specifically describe the beneficiary's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise.

Criterion 6: Evidence of the beneficiary's authorship of scholarly articles in the field, in professional journals, or other major media.[32]

First, USCIS determines whether the person has authored scholarly articles in the field.

Examples of relevant evidence may include, but are not limited to:

- Publications in professionally-relevant journals; and
- Published conference presentations at nationally or internationally recognized conferences.[33]

Considerations:

In order to meet this criterion, the beneficiary must be a listed author of the submitted article or articles but need not be the sole or first author. A petitioner need not provide evidence that the beneficiary's published work has been cited to meet this criterion.[34]

In addition, the articles must be scholarly. In the academic arena, a scholarly article reports on original research, experimentation, or philosophical discourse. It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution. The article is normally peer-reviewed.

In general, it should have footnotes, endnotes, or a bibliography, and may include graphs, charts, videos, or pictures as illustrations of the concepts expressed in the article. In non-academic arenas, a scholarly article should be written for learned persons in that field.

Second, USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication.

In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications)[35] and the relative circulation, readership, or viewership (for major trade publications and other major media).

Criterion 7: Evidence that the beneficiary has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.[36]

First, USCIS determines whether the person has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment.

Examples of relevant evidence may include, but are not limited to:

- Faculty or research position for a distinguished academic department or program;
- Research position for a distinguished non-academic institution, government or quasi-governmental entity, or company;

- Principal or named investigator for a department, institution, or business that received a merit-based government award, such as an academic research or Small Business Innovation Research (SBIR) grant;[37]
- Member of a key committee or high-performing team within a distinguished organization;
- Founder or co-founder of, or contributor of intellectual property to, a startup business that has a distinguished reputation; and
- Critical or essential supporting role for a distinguished organization or a distinguished division of an institution, government or quasi-governmental entity, or company, as explained in detail by the director or a principal investigator of the relevant organization or division.

Considerations:

To show a critical role, the evidence should establish that the beneficiary has contributed in a way that is of significant importance to the organization or establishment's activities. To show an essential role, the evidence should establish that the beneficiary's role is (or was) integral to the entity. A leadership role in an organization often qualifies as critical or essential.

For a supporting role to be considered critical or essential, USCIS considers other factors, such as whether the beneficiary's performance in the role is (or was) integral or important to the organization or establishment's goals or activities, especially in relation to others in similar positions within the organization.

It is not the title of the beneficiary's role, but rather the beneficiary's duties and performance in the role that determines whether the role is (or was) critical or essential. Detailed letters from persons with personal knowledge of the significance of the beneficiary's role can be particularly helpful in analyzing this criterion. The organization need not have directly employed the beneficiary.

Similarly, a letter or other documentation from an interested government agency, including a quasi-governmental entity, can serve as relevant evidence if it demonstrates that the agency or entity either funds the beneficiary or funds work in which the beneficiary has a critical or essential role, and explains this role in the funded work.

Second, USCIS determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation.

Relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base, longevity, or relevant media coverage.
For academic departments, programs, and institutions, officers may also consider national rankings and receipt of government research grants as positive factors in some cases.

For a startup business, officers may consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders commensurate with funding rounds generally achieved for that startup's stage and industry, as a positive factor regarding its distinguished reputation.

Criterion 8: Evidence that the beneficiary has either commanded a high salary or will command a high salary or other remuneration for services as evidenced by contracts or other reliable evidence.[38]

USCIS determines whether the person has commanded or will command a high salary or other remuneration.

Examples of relevant evidence may include, but are not limited to:

- Tax returns, pay statements, or other evidence of past salary or remuneration for services;
- Contract, job offer letter, or other evidence of prospective salary or remuneration for services; and
- Comparative wage or remuneration data for the beneficiary's field, such as geographical or position-appropriate compensation surveys.

Considerations:

If the petitioner is claiming to meet this criterion, then the burden is on the petitioner to provide appropriate evidence establishing that the beneficiary's compensation is high. Such evidence may include documentation demonstrating the beneficiary is highly compensated in relation to others in the field. Evidence regarding whether the person's compensation is high relative to that of others working in the field may take many forms. Examples may include, but are not limited to, geographical or position-appropriate compensation surveys and organizational justifications to pay above the compensation data.

The following webpages, among others, may be helpful in evaluating the relative compensation for a given field:

- The U.S. Bureau of Labor Statistics (BLS) Overview of BLS Wage Data by Area and Occupation webpage; and
- The U.S. Department of Labor's Career One Stop webpage.

Officers should evaluate persons working outside of the United States based on the wage statistics or comparable evidence for that locality, rather than by simply converting the salary to US dollars and then viewing whether that salary would be considered high in the United States.

For entrepreneurs or founders of startup businesses, officers consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders in evaluating the credibility of submitted contracts, job offer letters, or other evidence of prospective salary or remuneration for services.

[^ 20] See 8 CFR 214.2(o)(3)(iii)(A).

[^ 21] See 8 CFR 214.2(o)(3)(iii)(B).

[^ 22] See 8 CFR 214.2(o)(3)(iii)(B)(1).

[^ 23] USCIS does not interpret the phrase "field of endeavor" to mean that the work being recognized by the prize or award must correspond precisely to the type of prospective work that the person will undertake. Rather, USCIS considers whether the prize or award relates to the individual's asserted area of extraordinary ability. For information about how USCIS determines whether a person will "continue to work in the area of extraordinary ability," see Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement [2 USCIS-PM M.4(F)].

[^ 24] In general, qualifying awards include team awards where each member receives a trophy, certification, or medal; appears on the podium or stage; or is specifically named in the awarding organization's announcement of the award selection. Examples include members of a musical group who receive an award and relay team members who appear together on the medal podium. Mere acknowledgment from the award recipient does not constitute receiving the award from the awarding authority.

[^ 25] The Carnegie Classification of Institutions of Higher Education recognizes R1 and R2 doctoral universities as having "very high" or "high" research activity, respectively, based on publicly available federal government data regarding the number of doctoral degrees awarded and the amount of total research expenditures. See the Carnegie Classification of Institutions of Higher Education's Basic Classification Description webpage.

[^ 26] See 8 CFR 214.2(o)(3)(iii)(B)(2).

[^ 27] See the IEEE's Steps to Become an IEEE Fellow webpage.

[^ 28] See the AAAI Fellows Program webpage.

[^ 29] See 8 CFR 214.2(o)(3)(iii)(B)(3).

[^ 30] See 8 CFR 214.2(o)(3)(iii)(B)(4).

[^ 31] See 8 CFR 214.2(o)(3)(iii)(B)(5).

[^ 32] See 8 CFR 214.2(o)(3)(iii)(B)(6).

[^ 33] While many articles accepted for presentation at conferences do not result in publication, there are conferences that peer review and publish accepted presentations in professional journals (sometimes called proceedings), such that they may qualify as scholarly articles under this criterion.

[^ 34] Instead, officers may consider citation evidence relating to the published work as part of the totality analysis to evaluate whether the record establishes that the beneficiary has sustained national or international acclaim and is among the small percentage at the top of the field. For instance, documentation regarding the total rate of citations to the beneficiary's body of published work relative to others in the field may indicate a beneficiary's high overall standing for the purpose of demonstrating that the beneficiary is among the small percentage at the top of the field.

[^ 35] Evidence of a publication's reputation in the field is not required to satisfy this criterion. However, such evidence may be relevant in ultimately determining whether the totality of the evidence in the record establishes that the beneficiary has sustained national or international acclaim and is among the small percentage at the top of the field. Relevant evidence of a publication's reputation may include rankings, impact factors, and selectivity. For example, publishing an article in a journal which allows any contributor to pay a fee for the service of peer review or publishing an individual's work may meet the plain requirements of the criterion, but would not necessarily contribute to a finding of sustained acclaim. However, some authors who publish in competitive or otherwise highly-ranked journals may pay a fee to provide open access to their work for the public upon publication, and such a fee would not detract from a finding of sustained acclaim.

[^ 36] See 8 CFR 214.2(o)(3)(iii)(B)(7).

[^ 37] See SBIR America's Seed Fund webpage.

[^ 38] See 8 CFR 214.2(o)(3)(iii)(B)(8).